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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,973	11/13/2003	Hemant M. Chaskar	061715-0381	6783

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FOLEY & LARDNER LLP  
P.O. BOX 80278  
SAN DIEGO, CA 92138-0278

EXAMINER
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HUYNH, CHUCK

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/705,973	CHASKAR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chuck Huynh	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 2-7, 9-14, 16-24, 26-31, 33-38, 40-42 and 44-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 8, 15, 25, 32, 39, 43, 49, and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 8, 15, 25, 32, 39, 43, 49-51 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued that with the newly added limitation, Honkala does not disclose the responsibility for the handover is entirely with the mobile node.

However, mobile initiated handover is known in the art; therefore, Verma et al. is used to disclose that the responsibility for the handover is being initiated by the mobile node (Abstract; Col 2, lines 20-31).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 39, 43, 49 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Verma et al. (US 6725044; hereinafter Verma).**

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Regarding claim 39, Verma discloses a mobile node comprising:

a detecting unit configured to detect information about regions of an area of the first technology network (Abstract; Col 2, lines 10-30; Fig. 1); and

a first deciding unit configured to decide preparing a handover procedure between the first technology network and a second technology network based on the detected region information (initiating a handover Col 4, line 45 – Col 5, line 20), and a second deciding unit configured to decide performing actual handover between the first and second technology networks based on the detected region information (Col 5, lines 46-65).

Regarding claim 43, Verma discloses a mobile node, comprising:

a first detecting unit configured to detect information about the regions of an area of a first technology network (the mobile knows which network it's using and request a handoff from its current technology to another technology network: Abstract; Col 2, lines 20-31, 49-54);

a second detecting unit configured to detect information about a movement of a mobile node in the first technology network (Col 3, lines 35-50);

a deciding unit configured to decide initiating a handover procedure between the first technology network and a second technology network based on the detected region information and movement information (Abstract; Col 2, lines 20-31; Col 4, line 45 – Col 5, line 20).

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Regarding claim 49, Verma discloses an access node of a first technology network, comprising:

a setting unit configured to set information about at least a first region and a second region of an area of the first technology network in which region the access node is located, the region information being first technology network information (access points or cell: Fig. 1; Col 2, lines 10-20); and

a transmitting unit configured to transmit the region information (access points or cell: Fig. 1; Col 2, lines 10-20).

Regarding claim 51, Verma discloses a communication network system, comprising:

a mobile node (mobile station BS) according to claim 49 (Fig. 1).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1, 8, 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Honkala et al. (WO 00/67514 (provided in IDS); hereinafter Honkala) in view of Verma et al. (US 6725044; hereinafter Verma).**

Regarding claim 1, Honkala discloses a method of controlling handover between a first technology network (WIO system / internal cellular communication network) and a second technology network (GSM system / external cellular communication network), comprising the steps of:

detecting information about regions of an area of the first technology network (Figs. 1, 3-5; Abstract; Page 6, 14-26; Page 8-10); and

deciding initiating a handover procedure between the first and second technology networks based on the detected region information (Figs. 1, 3-5; Abstract; Page 6, 14-26; Page 8-10).

Honkala discloses all the particulars of the claim but is not clear about the detecting and deciding are done by the mobile node.

However, Verma does disclose that the detecting and deciding are done by the mobile node (Abstract; Col 2, lines 20-31).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Verma's disclosure to provide more control at the mobile node.

Regarding claim 8, Honkala discloses a method of controlling handover between a first technology network and a second technology network, comprising the steps of:

detecting information about regions of an area of the first technology network (Figs. 1, 3-5; Abstract; Page 6, 14-26; Page 8-10); and

deciding preparing a handover procedure between the first and second technology networks based on the detected region information (Figs. 1, 3-5; Abstract; Page 6, 14-26; Page 8-10).

Honkala discloses all the particulars of the claim but is not clear about the detecting and deciding are done by the mobile node.

However, Verma does disclose that the detecting and deciding are done by the mobile node (Abstract; Col 2, lines 20-31).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Verma's disclosure to provide more control at the mobile node.

Regarding claim 15, Honkala discloses a method of controlling handover between a first technology network and a second technology network, comprising the steps of:

detecting information about regions of an area of the first technology network (Figs. 1, 3-5; Abstract; Page 6, 14-26; Page 8-10); and

deciding preparing a handover procedure between the first and second technology networks based on the detected region information, and deciding performing actual handover between the first and second technology networks based on the detected region information (Figs. 1, 3-5; Abstract; Page 6, 14-26; Page 8-10).

Honkala discloses all the particulars of the claim but is not clear about the detecting and deciding are done by the mobile node.

However, Verma does disclose that the detecting and deciding are done by the mobile node (Abstract; Col 2, lines 20-31).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Verma's disclosure to provide more control at the mobile node.

**Claims 25, 32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjern et al. (WO 96/25015 (provided in IDS); hereinafter Hjern) in view of Verma.**

Regarding claim 25, Hjern discloses a mobile node comprising:  
a detecting unit configured to detect information about regions of an area of the first technology network (Abstract); and  
a deciding unit configured to decide initiating a handover procedure between the first technology network and a second technology network based on the detected region information (Abstract; Page 7, lines 14-38).

Hjern discloses all the particulars of the claim, but is not clear about the detecting and deciding are done by the mobile node.

However, Verma does disclose that the detecting and deciding are done by the mobile node (Abstract; Col 2, lines 20-31).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Verma's disclosure to provide more control at the mobile node.



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Regarding claim 32, Hjern discloses a mobile node for controlling handover between a first technology network and a second technology network, comprising:

a detecting unit configured to detect information about regions of an area of the first technology network (Abstract; Page 7, lines 14-38); and

a deciding unit configured to decide preparing a handover procedure between the first and second technology networks based on the detected region information (Abstract; Page 7, lines 14-38).

Hjern discloses all the particulars of the claim, but is not clear about the detecting and deciding are done by the mobile node.

However, Verma does disclose that the detecting and deciding are done by the mobile node (Abstract; Col 2, lines 20-31).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Verma's disclosure to provide more control at the mobile node.

**2. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verma in view of Chiou et al. (US 6473413; hereinafter Chiou).**

Regarding claim 50, Verma discloses the access node according to claim 49, in which the access node is a WLAN access point (Col 2, lines 10-20; Fig. 2) but Verma is unclear on that the

setting means is **capable of** setting region information by assigning proper values to certain bits reserved in the beacon frames of the WLAN access points, the bit values indicating the region information where the access point is located (Access Point address).

Chiou does disclose the setting means is capable of setting region information by assigning proper values to certain bits reserved in the beacon frames of the WLAN access points, the bit values indicating the region information where the access point is located (Abstract; Col 1, lines 14-39; Col 3, lines 18-45).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate base station addresses to improve establishment of handover from base station to another identified base station.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Huynh whose telephone number is 571-272-7866. The examiner can normally be reached on M-F 8am-5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chuck Huynh

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